IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2499 OF 2005

Mr.Vinay Vedratna Shivdas ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.V.D.Raut for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

APRIL 15, 2005.

P.C.

1. Heard Counsel for the parties.

2. Learned A.P.P. fairly accepts that the present evidence which has been collected, would, at best, indicate that the Applicant was also responsible to ascertain whether the amount mentioned in the cheque has been debited to the concerned account before the payment was made and perhaps, the Applicant has not fulfilled that

obligation.

3. Learned A.P.P. fairly accepts that the question of arresting the Applicant in connection with the alleged offence, will arise only after some more evidence is collected to indicate complicity of the Applicant in the commission of the crime in question.

4. If it is so, this Application is disposed of with direction to the Investigating Officer to give 72 hours advance notice to the Applicant, if he intends to arrest the Applicant in connection with the alleged offence, after some more material is collected during investigation to indicate the complicity of the Applicant.

5. The Applicant shall, however, extend full co-operation to the Investigating Officer as and when called upon.

6. All concerned to act on an ordinary copy of this order, duly authenticated by the Office.

A.M.KHANWILKAR, J.